

**TENTATIVE AGENDA AND MINI BOOK  
STATE WATER CONTROL BOARD MEETING  
THURSDAY, JUNE 19, 2003  
HOUSE ROOM C, GENERAL ASSEMBLY BUILDING  
9TH & BROAD STREETS  
RICHMOND, VIRGINIA  
Convene - 9:00 A.M.**

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## ADJOURN

**NOTE:** The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

**PUBLIC COMMENTS AT STATE WATER CONTROL BOARD MEETINGS:** The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for their consideration. In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

**1. REGULATORY ACTIONS (adoption, amendment or repeal of regulations):** For regulatory actions, public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period and one public meeting) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period and one public hearing). Notice of these comment periods is announced in the Virginia Register and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment

periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

**Comments on the regulatory action are not allowed at a Board meeting while a regulatory action is being processed in accordance with the Administrative Process Act. In rare instances the Board may (at a Board meeting) vote to reopen the public comment file on the regulatory action. If this happens, individuals may address the Board for up to 2 minutes on material previously submitted to the Board. Should the Board decide to accept new information on a regulatory action, an additional public comment period will be announced by the Department in order for all interested persons to have an opportunity to participate.**

**2. CASE DECISIONS (issuance and amendment of permits and consent special orders):** The Board also makes case decisions. For case decisions, the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is a 45-day comment period and one public hearing. If a public hearing is held, a summary of the public comments received is provided to the Board for their consideration when making the final case decision. Public comment is accepted on consent special orders for 30 days.

**Comments on pending case decisions at Board meetings are only accepted when the Board is considering final action on the case decision. At that time the Board will allow up to 15 minutes for the applicant/owner to make his complete presentation on the pending decision. The Board will then, in accordance with 2.2-4021, allow others who participated in the prior proceeding (i.e., those who attended the public hearing or commented during the public comment period) up to 2 minutes to exercise their right to respond to the summary of the prior proceeding presented to the Board. The Board will not accept new information at the meeting. Should the Board decide to accept new information, a public comment period will be announced by the Department in order for all interested persons to have an opportunity to participate.**

No public comment is allowed on case decisions when a formal hearing is being held.

**3. PUBLIC FORUM:** The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than pending regulatory actions or pending case decisions. Anyone wishing to speak to the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentation to not exceed 2 minutes.

**The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.**

**Additional Information:** For additional information or questions on the adopted public participation procedures for regulatory actions and pending case decisions, contact Cindy M. Berndt at (804) 698-4378.

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## **SUMMARY OF AGENDA ITEMS**

**Permit Terminations:** Three groundwater withdrawal permits issued to James City County.

**Report On Facilities In Significant Noncompliance:** Five major facilities were reported to EPA on the Quarterly Noncompliance Report (QNCR) as being in significant noncompliance (SNC) for the quarter ending March 2003. The facilities and their reported instances of noncompliance are as follows:

PERMITTEE	TYPE OF NONCOMPLIANCE	ENFORCEMENT ACTION TAKEN?	PENALTY AMOUNT
City of Alexandria	Failure to meet effluent limits	No – Under consideration	N/A
Frederick-Winchester Service Authority	Failure to meet effluent limit	No – Under consideration	N/A
Town of Purcellville	Failure to meet effluent limits	No – Under consideration	N/A
Upper Occoquan Sewage Authority	Failure to meet effluent limits	No - Under consideration	N/A

**Consent Order Cancellations:** S. B. Cox, Inc. U.S. Army, Fort Eustis.

**Bergey's Dairy Farm, Inc., Chesapeake, consent order with civil charge:** Bergey's is subject to a Virginia Pollution Abatement (VPA) permit that regulates a land application wastewater treatment system. Bergey's failed to monitor and submit the quarterly lagoon volume reports and monthly inspection logs for the 1<sup>st</sup> and 3<sup>rd</sup> quarter of 2002. The 2<sup>nd</sup> quarter reports were incomplete. In addition the annual nutrient analyses of the final lagoon due in April 2002 were not conducted. The required operations and maintenance manual was never submitted. In addition the staff has evidence to indicate that Bergey's failed to perform required monthly inspections and associated record keeping. On October 4, 2002, DEQ documented an unpermitted discharge from the wastewater collection system to State waters. Bergey's failed to report this discharge as required by their permit. The proposed consent order requires Bergey's to hard pipe the washwater from their restaurant, submit an operations and maintenance manual, and pay a civil charge of \$6,400. The public comment period closes on June 18, 2003.

**Farmer's Service Company, Smithfield, consent order with civil charge:** Farmers Service Company, Inc. (FSC) is a farm supply store located in Smithfield, VA. FSC owns and operates two concrete ready-mix plants located adjacent to the supply store, and is subject to the requirements of VPA Permit No. 01024 (the Permit). The Permit does not authorize the discharge of pollutants to surface waters. The older plant is inoperative; however, the washout area and sedimentation pits are still used. On November 6, 2002, DEQ inspected FSC and observed two unpermitted discharges and the improper storage of waste concrete solids. Drainage from concrete solids placed outside the drying pad area at the new plant was observed flowing into a drop inlet, which drains into Little Creek. Wastewater was observed overflowing the trough between the sedimentation pits at the new concrete plant and flowing down the hill located on the West side of the property and into Little Creek. In addition, FSC was not recycling wastewater as its Operation and Maintenance Manual states will be done. On November 22, 2002, DEQ issued a notice of violation to FSC for these alleged violations. On December 5, 2002, DEQ inspected FSC and observed a pump discharging untreated wastewater from the sedimentation pits of the new plant onto the ground, which flowed offsite towards Little Creek. Civil charge \$2,900. Public comment period ends on June 18, 2003.

**Mr. H. N. Barnhart - Clover Meadow Dairy Farm, Franklin County:** A manure discharge from the Clover Meadow Dairy Farm in Franklin County apparently caused a fish kill in late August 2002. The

incident occurred because a manure holding tank overflowed during a sudden thunderstorm. The tank's capacity was exceeded by a single storm because a stormwater diversion pipe had become plugged. A similar fish kill occurred in June 2000 at approximately the same location. The consent order before the Board includes a civil charge, a supplementary environmental project, and recovery of fish replacement and investigative costs. The order also requires Mr. Barnhart to reroute part of the stormwater diversion system and to keep the entire stormwater system properly maintained. The order includes a \$3,500 civil charge with a \$3,150 offset for a SEP leaving the final civil charge amount to be paid by Mr. Barnhart is \$350 plus \$471.44 fish replacements costs; \$374.69 investigative costs. The comment period ended on March 26, 2003 and no comments were received.

**Bedford County Public School Board – Liberty High School, consent order:** The Board issued a Special Order by Consent to the Bedford County Public School Board on December 13, 2000 for New London Academy and Liberty High School. The Order required that the School Board upgrade or connect Liberty High School by March 31, 2002, and decommission and close the lagoon by March 31, 2003. Liberty High School was connected to sanitary sewer in November of 2002. On January 8, 2003, the Board issued another Consent Order to the Bedford County Public School Board with a civil charge for failing to comply with the March 31, 2002 deadline for connection to sanitary sewer. The School Board has now completed all of the requirements of the previous orders at all locations except for lagoon closure at Liberty High School. School Board staff have requested an extension of the March 31, 2003 lagoon closure deadline of the 2000 Order to August 31, 2003 due to delays caused by inclement weather and the fact that the facility was connected to public sewer eight months late. The comment period closed on March 25, 2003 and no comments were received.

**Trustees of the Presbytery of the Peaks, Inc., Camp Fincastle, Botetourt County, consent order with civil charge:** Camp Fincastle is a church camp owned by the Trustees of the Presbytery of the Peaks, Inc. A facultative lagoon at the camp operates under VPDES Permit VA0089672. Because the integrity of the lagoon is questionable, when the Permit was reissued in 1998 it required the Trustees to assess the integrity of the lagoon and develop a corrective action plan. The Trustees did not submit the following documents required by the Permit: a plan and schedule for the assessment of watertight integrity of the lagoon, quarterly progress reports for achievement of compliance with final limits for Total Residual Chlorine, an Operations and Maintenance manual, and eleven months of Discharge Monitoring Reports. In a Letter of Agreement dated September 2001, the Trustees agreed to upgrade the wastewater treatment facility by June 2002 and close the lagoon by August 2002. The Trustees did not comply with the schedule in the Letter of Agreement. Recently the Trustees notified the Department of their intent to close Camp Fincastle, decommission the lagoon, and sell the camp. The consent order before the Board assesses a civil charge of \$1,800 and requires the Trustees to cease discharging and close the lagoon. As of an inspection by DEQ staff on April 7, 2003, the lagoon was drained and had neither inflow nor discharge. The public comment period ended on March 25, 2003. The Department did not receive any public comments for this enforcement action.

**Town of Vinton, consent order:** The Town of Vinton owns a wastewater collection system that conveys wastewater to the Roanoke Regional Water Pollution Control Plant. In recent years, the Town has reported several overflows, most of which were estimated at 500 gallons, from the collection system into Wolf Creek. It is believed that the overflows have been caused by inflow and infiltration or blocked lines. The order requires the Town to replace a pump station and 14,400 linear feet of the Wolf Creek Interceptor. The order also requires the Town to evaluate and repair sewer line in the Chestnut Mountain and Lindenwood Subdivisions. These projects are expected to significantly reduce inflow and infiltration. The public comment period ended on May 21, 2003. No comments were received.



**D.O. Allen Homes, Incorporated, Lynchburg, consent order with a civil charge:** D.O. Allen Homes is engaged in construction activities on 27 acres for residential housing in Lynchburg, Virginia, which began without the required General Storm Water Permit. After receiving notice from the Department D.O. Allen Homes obtained a Permit; however, subsequent inspections by the Department found D.O. Allen Homes consistently failed to comply with the Permit. D.O. Allen Homes continually failed to follow the Storm Water Pollution Prevention Plan (“SWPPP”) by not implementing the Best Management Practices (“BMPs”) required by the SWPPP, and failed to perform the required inspections and maintenance of erosion and sediment controls. The failure to comply with the Permit resulted in the unauthorized discharge of sediment and debris from the construction site into State waters. The Order requires D.O. Allen Homes to remove the sediment deposits in Tomahawk Creek to the maximum extent practicable, to maintain compliance with the Permit and pay a \$5,600 civil charge. The public comment period closed on June 4, 2003.

**David S. Wilson, Owner, Pine Grove Park , Bedford County, consent order with civil charge:** The Owner’s Permit issued in 1998 contained a four-year schedule of compliance for Ammonia Nitrogen, which required the Owner to either upgrade to a new treatment system or demonstrate the current facultative lagoon could meet the Ammonia Nitrogen limit. As part of the schedule of compliance contained in the Permit the Owner was to select an engineering firm to achieve compliance with the Permit. The Department approved plans and specifications for a new treatment system in September of 2001; however, as of February 2002, the month and year the Ammonia Nitrogen limit became effective in the Permit, no construction on the new system had begun. Hence, the Owner failed to meet the Ammonia Nitrogen limit when it became effective in the Permit. Further, improper operation and maintenance of the facultative lagoon has been chronic, and the Owner consistently failed to meet other Permit limits of Total Suspended Solids, Biochemical Oxygen Demand, Dissolved Oxygen, and Chlorine. The Owner began installing the new treatment system in the latter part of June 2002, and the new system was operational at the beginning of August 2002. The Owner hired a new operator in October of 2002. The Order requires the Owner to maintain compliance with the Permit; requires the Owner to properly close the old facultative lagoon and pay a civil charge of \$19,950. The Owner spent approximately \$100,000 to purchase and install the new treatment system, and will spend approximately \$30,000 to properly close the old facultative lagoon.

**Dominion Campground STP, Spotsylvania County, consent order:** The Campground has 117 campsites about 58 of which are connected to the STP. Other STP connections include the campground bathhouse, on-site camp store, and camper holding tank accumulation stations. The STP has a design flow of 15 thousand gallons a day with off-season flows averaging three to four thousand gallons a day. The STP is a type of facultative lagoon for which the local Health Service issued an LHS 120 discharge certificate until 1992. Dominion purchased the Campground and STP on January 1, 2002, and on January 31, 2002, met with DEQ staff to discuss the requirements and conditions of a VPDES permit and the need to upgrade the STP, as well as the possibility of expanding the facility. Dominion submitted a permit application and fee on February 19, 2002. The Board issued the Permit on July 12, 2002, and Dominion submitted the first discharge monitoring report for the STP in August 2002. Dominion now employs a contract operator for the STP and has implemented additional operational improvements including installation of post-aeration in the chlorine contact tank in order to ensure consistent compliance with BOD<sub>5</sub>, DO, and chlorine. The STP is not designed to treat ammonia, but because, when the Permit was issued, the facility had an existing discharge, the Permit could not include a four-year construction schedule for achieving compliance with ammonia. Dominion representatives met with DEQ staff on March 6, 2003, to discuss Dominion’s plans for upgrading or replacing the STP to ensure consistent compliance with final Permit effluent limits for ammonia. On March 26, 2003, Dominion submitted to DEQ a plan and schedule for choosing an alternative for achieving compliance. The Order requires that

Dominion evaluate alternatives for achieving compliance with final Permit effluent limits for ammonia and, by September 15, 2003, submit a plan and schedule for upgrading the STP or replacing it with a new treatment facility. The Order also provides interim limits for ammonia until the construction of the upgrade or new facility is completed. The public comment period ends on June 18, 2003.

**Quantico Mainside WWTP, Quantico, consent order:** The WWTP services the Quantico Marine Corps Base and the Town of Quantico and has a design flow of 2.2 million gallons a day. The WWTP experienced intermittent exceedences of its phosphorus limit in the first six months of 2002 and exceedences of its ammonia limit during the summer months of that year. Since that time, Quantico has implemented a number of operational changes and constructed improvements at the WWTP in order to correct the cause of exceedences. These corrective measures have resulted in improved WWTP performance and consistent compliance with Permit effluent limits for phosphorus and ammonia since September 2002. In the recent past, the WWTP's collection system has been subject to chronic overflows of untreated sewage. The majority of the overflows occur in the Quantico Marine Corps Base Lyman Park and Thomason Park housing developments where the collection system is comprised of 50-year old gravity sewers installed on flat gradients and constructed of either vitrified clay or asbestos cement. Quantico has submitted a plan and schedule for implementing corrective measures to eliminate overflows from the WWTP collection system. The Order requires that Quantico implement additional, on-going preventative maintenance and equipment repair items delineated in its approved September 2002 plan and schedule including, among other things, monthly cleaning and flushing of the collection system in Lyman Park and Thomason Park and regular cleaning of grease traps. The public comment period closes on June 18, 2003.

**Red Hill Mobile Home Park, Prince George County, consent order with civil charge:** Red Hill Mobile Home Park is authorized by VPDES permit No. VA0028258 to discharge into Harrison Creek a tributary of the Appomattox River. The Department issued a Consent Order to Red Hill on May 7, 2002. The Order required Red Hill to submit an updated operation and maintenance manual, written authorization for the DMR signature, and pay a civil charge of \$2,800. The Department conducted an inspection of the Red Hill facility on May 23, 2002. The inspection revealed that the permit had expired on March 31, 2002, and the facility was discharging without a permit. Department staff collected samples and found an ammonia concentration of 19.2 mg/L and a TKN concentration of 22.0 mg/L. In addition, staff observed there was no chlorine solution being fed at the chlorine tank. On July 7, 2002, Red Hill failed to meet the Consent Order requirement to submit an O&M manual for the facility. Red Hill submitted DMRs for the months of April, May, June, July and August 2002, which indicate that the facility was discharging without a permit. On August 7, 2002, the Department issued a NOV to Red Hill for failure to comply with the Consent Order issued by the Board, failure to submit financial assurance documentation with the permit's reapplication, and for discharging without a permit. The Order requires Red Hill Mobile Home Park to provide an updated operation & maintenance manual for the treatment plant, reduce sludge inventory in the clarifiers and the sludge storage lagoon to less than 30% volume, submit a complete permit application to include all required financial assurance documentation and a corrective action plan with an implementation schedule for an upgrade to the treatment system. The Order also provides for the payment of a \$5,700 civil charge. The public comment period closes on June 18, 2003.

**Sussex Service Authority, Sussex County, consent order with civil charge:** Sussex Service Authority ("SSA") owns and operates the Black Swamp wastewater treatment plant in Sussex County, Virginia. SSA also owns and operates the Courthouse wastewater treatment plant. On April 10, 2001, SSA was issued a Warning Letter for effluent limit violations at the Black Swamp Facility. In June 2001, the facility received an unsatisfactory rating during a lab inspection and DMRs were improperly

completed. On February 19, 2002, a sludge release to Black Swamp was reported by the Facility. On February 15, 2002, the Black Swamp Facility shutdown until repairs could be made. The effluent has been diverted to another facility for treatment. The Courthouse Facility reported DMR effluent violations for TSS, TKN, CBOD, and chlorine. A Notice of Violation was issued on May 21, 2002, to address the violations at both Facilities. The Order requires Sussex Service Authority to make repairs to the Blackswamp facility, and submit formal written standard operating procedures to assure compliance with the reporting requirements of the VPDES permit. The Order also requires the Courthouse facility to submit a corrective action plan (CAP) for a solution to their operational issues. The Order provides for the payment of a \$7,600 civil charge. The public comment period closes on June 18, 2003.

**Chesapeake Public Schools, City of Chesapeake, consent order with civil charge:** Chesapeake Public Schools owns a wastewater treatment plant serving four schools (referred to as the Hickory Schools WWTP) which is subject to the requirements of VPDES Permit No. VA0024562. Between August 2000 and March 2002 Hickory Schools WWTP reported 19 effluent limit exceedances. These exceedances include the following parameters: total suspended solids, chlorine, carbonaceous biochemical oxygen demand, and total kjeldahl nitrogen. During a technical and laboratory inspection conducted on November 30, 2000, the Department documented poor maintenance and housekeeping practices, and sampling errors. In addition, the Department observed solids in the chlorine tank, the dechlorination tank, and the receiving waters during inspections conducted on November 30, 2000, January 31, 2001, and February 2 and 5, 2001. In April 2001, Hampton Roads Sanitation District (HRSD) assumed operational control of Hickory Schools WWTP. On August 29, 2001, Department staff conducted a laboratory and technical inspection of Hickory Schools WWTP. The laboratory received a satisfactory rating and the treatment was noted to have improved greatly since the February 5, 2001 inspection. The order requires Chesapeake to, within six months of sanitary sewer availability, obtain approvals and connect to the sewer main; to, when connection completed, cease all discharges to state waters; and pay a civil charge of \$5,670. The public comment period ends on June 18, 2003.

**Concrete Precast Systems, Inc., Chesapeake, consent order with civil charge:** Concrete Precast Systems, Inc. (CPS) operates a precast concrete manufacturing facility in Chesapeake, Virginia, which is subject to the requirements of VPDES Permit No. VA0089818. On October 10, 2001, the State Water Control Board approved a consent special order requiring CPS to submit a revised storm water pollution prevention plan (SWP3) by November 1, 2001. TRO did not receive a complete SWP3 until June 19, 2002. On January 23, 2002, DEQ inspected CPS and observed an outfall not authorized by CPS's permit. DEQ made numerous requests that CPS submit a revised permit application to include this outfall. DEQ never received a revised permit application. On March 28, 2002, DEQ issued CPS a warning letter for exceeding permit effluent limits for pH and total suspended solids during the December 2001 monitoring period and requested CPS to respond within 20 days with a written explanation of the violations. DEQ received no explanation. On June 21, 2002, a Notice of Violation was issued to CPS for violating the October 10, 2001 consent special order and not responding to information requests regarding their operations and discharges. In addition, on November 4, 2002, DEQ witnessed an unpermitted discharge from the sedimentation pond that CPS failed to report. The order requires CPS to install, operate and maintain best management practices, update the storm water permit and comply with the permit, review and update the operations manual, operate and maintain storm water best management practices and pay a civil charge of \$9,450. The public comment period closes on June 18, 2003.

**Elizabeth River Terminals, L.L.C., Chesapeake, consent order with civil charge:** Kinder Morgan Elizabeth River Terminals (ERT) is a marine cargo handling facility that loads/unloads various products to/from vessels, trucks, and rail cars. ERT is subject to the requirements of VPDES Permit No. VA0081418 (the Permit). The Permit authorizes the discharge of storm water runoff from bulk material



storage at outfall 001. On August 5, 2002, DEQ inspected ERT and observed a barge crane unloading pelletized urea from a vessel. The barge crane was fitted with a clamshell bucket, which allowed the pelletized urea to spill into the Elizabeth River (the River) as unloading occurred. In addition, staff noted that the pier where the barge was being unloaded was not paved and the pelletized urea was falling between the planks of the pier into the River. On August 15, 2002, DEQ inspected ERT and observed ERT employees washing ammonium sulfate off the barge into the River. The proposed consent order requires that ERP revise their storm water pollution prevention plan to include the following items: best management practices during product transfers; housekeeping procedures in loading and offloading areas and other product transfer points; comprehensive site compliance evaluations; and separate documentation of inspection areas in the monthly inspection form. The order also requires payment of a civil charge of \$20,000. The public comment period ends June 18, 2003.

**City of Hampton, Crowne Pointe Subdivision, consent order with civil charge:** The Hampton Redevelopment and Housing Authority is developing a 27 acre single family home subdivision in the Merrimac Shores neighborhood of Hampton. Storm water discharges from this project discharge into the Merrimac Shores Marina, an inlet of the James River. Numerous complaints concerning contaminated stormwater have been received from the owners of the Marina. On June 22, 1999 the City filed for coverage under the general storm water permit for construction activities for Phase 1 of the project (11.3 acres). In April, 2002 they began construction of Phase 2 but neglected to file for coverage. On May 14, 2002 DEQ inspected the site and notified the City that the construction activities were not covered by a general permit. DEQ did not receive a completed registration statement for Phase 2 until October 21, 2002. On October 18, 2002, the City requested that coverage for Phase 1 be terminated. Although the City has an approved erosion and sediment control plan for Phases 1 and 2, no stormwater pollution prevention plan (SWPPP) was developed for either project. The record keeping for the SWPPP was never conducted. On August 28, 2002, DEQ documented sediment laden stormwater from Phase II being pumped from a drop inlet into the receiving stream. The proposed order requires Hampton to obtain coverage under the General Permit for Storm Water Discharges for Construction Activities prior to initiating any construction activities at regulated construction sites and to comply with all provisions of their permit. The order also includes a \$10,000 civil charge. Of that \$9,000 is to be offset by the completion of a SEP. The public comment period closes on June 18, 2003.

**Perdue Farms, Incorporated, Accomac, consent order:** On June 13 and 14, 2002 the Perdue wastewater treatment plant ("WWTP") ultraviolet disinfection system experienced a mechanical failure at the same time that the back-up chlorination system was out of service. Due to operator error, approximately 1.1 million gallons of treated but not disinfected effluent was discharged to Parker Creek instead of being routed to the holding pond. The Perdue WWTP experienced an upset that started in mid June and lasted until mid July, 2002. The upset was due to the facility's inability to maintain sufficient dissolved oxygen in the complete mix activated sludge system during a period of high ambient air temperatures. The facility had four separate failures of aeration blowers and operated at reduced blower capacity for a total of 14 days. In August and September the facility exceeded its permit limits for ammonia, TSS, and toxicity due to another plant upset brought on by an outbreak of filamentous bacteria. This was probably caused by the low dissolved oxygen problems in July. In addition, a mechanical failure of the rake arm in the clarifier occurred in early September. On September 28, another blower failure occurred and the facility exceeded its permit limits for ammonia in October. The Company did shut down the processing plant for four days to prevent additional violations. The proposed Order requires the Company to perform a comprehensive upgrade of the treatment plant that includes improvements to the following systems: pretreatment, aeration, activated sludge, solids handling, and disinfection. The upgrade is to be completed by January 1, 2005 and is estimated to cost \$5.5 million. An \$80,000 penalty

to settle the above violations is in a separate order that Perdue entered into with EPA. The public comment period closes on June 18, 2003.

**The Godalming Subdivision, Greene County, consent order with civil charge:** Harold L. Bare and Laila B. Bare are the developers of a single family home subdivision known as the Godalming Subdivision located near Ruckersville in Greene County. In September 2002, staff of DEQ and the Army Corps of Engineers inspected the subdivision in response to information received by DEQ alleging that the Bares had filled and modified unnamed tributaries to Rippin Run and adjacent wetlands. During the inspections, staff observed that approximately 1,400 linear feet of streambed had been impacted by unpermitted activities including: the placement of upland fill and culverts in the stream channel; the cutting of stream banks; and, the construction of an in-stream sedimentation basin. Staff also observed that wetlands were impacted by unpermitted activities such as clearing, excavating and filling of low-lying areas. Site development activities were also being conducted in the absence of a VPDES Construction Stormwater Permit. The proposed Order requires the owners to obtain VWP and VPDES Permits for the Godalming Subdivision; includes provisions for mitigation of the stream channel and wetland impacts and the establishment of riparian buffers and requires payments of a \$5,600 civil charge. The public notice period for the proposed Order closes on June 18, 2003.

**Myles J. Goger dba James River Country Store Albemarle County, consent order:** Myles J. Goger, doing business as James River Country Store, owns and operates an underground storage tank (UST) facility located at 280 Valley Street in Scottsville, Albemarle County, Virginia. Mr. Goger stores petroleum in these USTs under the requirements of 9 VAC 25-580-10 et seq. Underground Storage Tanks: Technical Standards and Corrective Action Requirements (UST Regulations). An inspection performed at the facility on July 13, 2001, revealed that Mr. Goger had failed to 1) perform release detection on the USTs and their associated product piping; 2) perform testing on the cathodic protection systems for the USTs to ensure proper operation, and 3) submit acceptable financial assurance documentation. DEQ issued a Warning Letter (WL) to Mr. Goger, dated August 10, 2001, for these alleged violations. During a February 25, 2002, site visit, DEQ staff noted the same violations previously noted and informed Mr. Goger of the same. Mr. Goger failed to resolve the release detection violation. As a result of the continuing violations, DEQ staff issued an NOV to Mr. Goger on August 16, 2002. The proposed order requires Mr. Goger to begin performing release detection by March 1, 2003, and to submit three months of release detection records to the DEQ. Estimated cost of compliance is \$6,000.00 for equipment installation. Mr. Goger has been submitting monthly release detection records since March 2003. Civil Charges were not assessed based on DEQ's determination that Mr. Goger lacks the ability to both perform the corrective action and pay a civil charge. The public comment period closed on March 25, 2003 and no comments were received.

**Proposed Issuance of VPDES Permit Nos. VA0091227, Casta Line Trout Farm-Craigsville, and VA0091219, Casta Line Trout Farm-Middlebrook, Augusta County:** Casta Line Trout Farm-Craigsville and Casta Line Trout Farm-Middlebrook continue to operate under the terms and conditions of VPDES General Permit for Concentrated Aquatic Animal Production Facilities Nos. VAG131002 and VAG131001, respectively, with effective dates of March 5, 1998, and expiration dates of March 5, 2003. Each facility produces trout for sale, and each is located at the head of a small stream, immediately below one or more perennial springs that serve as the water source for the facility and its receiving stream. Casta Line Trout Farm-Craigsville is located at the head of Wallace Mill Stream, and Casta Line Trout Farm-Middlebrook is located at the head of Cockran Spring Branch, both in Augusta County. Each facility's permit was drafted to comply with the maximum Organic Solids load specified for that facility in its respective, approved TMDL. Each permit includes a 4-year compliance schedule for achievement of the final Suspended Solids limits. Interim limits were set equal to those in the general permit currently issued

to each facility, with the exception that existing limits for Settleable Solids were discontinued since the TMDL study determined that Organic Solids (limited as Suspended Solids) was the parameter of concern, rather than Settleable Solids. The permittee authorized publication of the public notice for each facility, requested that the public notices be combined into a single notice, and requested a public hearing for both facilities to appeal the terms of the draft permits. A public hearing was held on March 12, 2003, with 5 citizens in attendance.

**Issuance of Individual VWP Permit 00-1688, Tri-City Properties, L.L.C., Chesapeake:** The Board deferred any decisions on the proposed issuance of an individual VWP Permit to Tri-City Properties to allow staff time to review and comment on information received on the proposed permit at the March 2003 meeting. The staff will be responding to the additional information and presenting the proposed permit to the Board for their consideration.

**Modification of Individual VWP Permit 92-1350, Rudee Inlet Federal Navigation Project:** On June 17, 2002, the U.S. Army Corps of Engineers, submitted a joint permit application to the Virginia Water Protection Permit (VWPP) Program for modification of the Rudee Inlet Federal Navigation Permit issued on February 19, 1998. This permit authorizes maintenance of a safe navigational channel for recreational and commercial boating activities in the Rudee Inlet estuary in Virginia Beach. Currently, the permit authorizes dredging of an entrance channel 1,700 feet in length, an inner channel 930 feet in length, a turning basin 1,570 feet in length, a safety area approximately 1.9 acres in size, and a sand trap area approximately 3.3 acres in size. Sandy material from the entrance channel and sand trap, approximately 98% of the total volume, is dredged by hydraulic cutterhead dredge or "Currituck" class hydraulic special purpose dredge, transported by pipeline, hopper, or barge and placed along the Virginia Beach oceanfront as beach nourishment. The finer grained material, less than 2% of the total volume, from the inner channel is dredged by hydraulic cutterhead dredge method and transported by pipeline to the overboard placement site in Lake Wesley. The Modification proposes to add Lake Rudee as the preferred placement site for disposal of material from the inner channel and authorize use of the existing Lake Wesley disposal site only if specifically requested by a local government sponsor. This modification will also increase the volume of material dredged per cycle from 120,000 to 150,000 cubic yards of material for a total of 1.5 million cubic yards over the term of the permit.

#### **Consideration of 11 Candidates within Shenandoah National Park for Exceptional Waters**

**Designation:** Staff have completed their evaluation of waters within the Shenandoah National Park boundaries that meet the eligibility criteria and we will propose the following eleven waters for your consideration. The candidates are: **Big Run** in Rockingham County from its headwaters downstream to the first crossing with Shenandoah National Park boundary and all tributaries to this segment of Big Run; **Brokenback Run** in Madison County from its headwaters downstream to the Shenandoah National Park boundary and all tributaries to this segment of Brokenback Run; **Doyles River** in Albemarle County from its headwaters to Shenandoah National Park boundary and Jones Falls Run from its headwaters to its confluence with Doyles River and all tributaries to these segments of Doyles River and Jones Fall Run; **Jeremys Run** in Page County from its headwaters downstream to first crossing with Shenandoah National Park boundary and all tributaries to this segment of Jeremys Run; **East Hawksbill Creek** in Page County from its headwaters downstream to Shenandoah National Park boundary and all tributaries to this segment of East Hawksbill Creek; **Hughes River** in Madison County from its headwaters downstream to the Shenandoah National Park boundary; **East Branch Naked Creek** in Page County from its headwaters downstream to Shenandoah National Park boundary and all tributaries to this segment of the East Branch Naked Creek; **Piney River** in Rappahannock County from its headwaters downstream to its first crossing with Shenandoah National Park boundary and all tributaries to this segment of the Piney River; **Rose River** in Madison County from its headwaters downstream to the first crossing with Shenandoah National

Park boundary and all tributaries to this segment of the Rose River; **North Fork Thornton River** in Rappahannock County from its headwaters downstream to its first crossing with Shenandoah National Park boundary and all tributaries to this segment of the North Fork Thornton River; and **White Oak Canyon Run** in Madison County from its headwaters downstream to the first crossing with Shenandoah National Park boundary and all tributaries to this segment of White Oak Canyon Run.

**Repeal of 9 VAC 25-400 Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed and Adoption of 9 VAC 25-401:** Sewage Treatment in the Dulles Area Watershed  
The State Water Control Board originally adopted the regulation in 1975. It has long been in need of an update because the conditions and terms within the regulation do not reflect the numerous water quality related regulations that have been adopted since 1975. Further, the regulation reads like a planning document and is difficult to interpret and implement and therefore it needs to be rewritten in clear and concise language. Staff has begun the process of this update and rewrite. Because the changes are so extensive, staff is proposing the existing regulation be repealed in its entirety and the rewrite be adopted as a new regulation. The new regulation would be 9 VAC 25-401 and entitled Sewage Treatment in the Dulles Area Watershed. The rewrite maintains and makes clear the most important and salient aspects of the existing regulation: the prohibition of new STPs discharging to surface waters within the defined watersheds except for two regional plants and the requirement for very stringent maximum effluent limits for the two regional plants. This regulatory action is at the request of Loudoun County Sanitation Authority and is supported by Loudoun County and Fairfax County.

**Proposed Amendments to the Virginia Petroleum Underground Storage Tank Financial Responsibility Requirements Regulation: 9 VAC 25-590:** The regulation requires owners and operators of petroleum underground storage tanks to demonstrate financial responsibility for performing corrective action or paying third party liability claims resulting from a release from a regulated tank. The amendments propose a way to reduce the cost of obtaining and maintaining financial assurance as well as provide clarification as to the method of demonstrating financial responsibility. The amendments introduce more detailed requirements for owners or operators who choose to demonstrate using a group self-insurance pool. The amendments also clarify existing administrative requirements. Finally, the amendments alter the language of some of the financial mechanisms to make it easier to cash them and to provide for board notification in the event of cancellation of the mechanism.

**Amendment of the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed Concrete Plants (9 VAC 25-193-10 et seq.):** This action will allow reissuance of the general permit which expires on September 30, 2003. One public hearing was held in March 2003 for this amended general permit regulation and the public comment period ended on April 11, 2003. The draft permit regulation has been revised based on the comments received during the public comment period and recent regulatory changes. Additional wording changes were made to clarify the permit requirements.

**Draft Guidelines to Implement Virginia's Land Conservation Loan Initiative:** The Virginia General Assembly, during its 2003 session, amended Chapter 22 of the Code of Virginia, further expanding the funding activities of the Board's Wastewater Revolving Loan Fund Program by making loan assistance available for the acquisition and conservation of land for the improvement and protection of water quality. Financing for land acquisition can only be made in fiscal years in which all loan requests from local governments for eligible projects have first been satisfied. Loans can be authorized to local governments or to 'holders' as defined by Section 10.1-1009 of the Code. The Board is to develop guidelines for the administration of such loans and shall determine the terms and conditions of any loan made for these purposes.